



# Austin City Council MINUTES

REGULAR MEETING  
THURSDAY, JANUARY 14, 1999

Mayor Watson called the meeting to order, noting the presence of all Councilmembers.

1. Approval of Minutes for Regular Meetings of January 6 & 7, 1999.  
Approved on Councilmember Garcia's motion, Councilmember Lewis' second, 4-0 vote, Mayor Pro Tem Goodman, Councilmembers Slusher and Spelman off the dais.

## CITIZEN COMMUNICATIONS: GENERAL

2. Richard Knowlton – to discuss Firefighter issues.
3. Gavino Fernandez, Jr. – to discuss "Can East Austin survive one more year without Representation?"
4. Kingsly Martin – to discuss Austin Music Network.  
**Absent**
5. Gus Pena – to discuss City Health Clinics and City Issues.  
**Absent**
6. Larry Malone – to discuss recreation center and park at Little Walnut Creek Park.
7. Jon Empey – to discuss Bergstrom Open Air Market – Code Violations.
8. Eleanor Thompson – to discuss concerns about SCIP II.
9. Scottie Ivorie – to discuss concerns about SCIP II.  
**Absent**

## READING OF CONSENT AGENDA

## READING OF DISCUSSION AGENDA

## CITIZEN COMMUNICATIONS: CONSENT AGENDA

## ACTION ON CONSENT AGENDA

### ITEMS CONTINUED FROM PREVIOUS MEETINGS

10. Approve an ordinance on the proposed Urban Renewal Plan for the East 11<sup>th</sup> and 12<sup>th</sup> Streets Urban Renewal Area. (No fiscal impact associated with adoption of the plan.) [Recommended by Planning Commission; to be reviewed by Urban Renewal Board on January 4, 1999.]  
Ordinance No. 990114-G approved with the following amendments:
  1. Incorporate all the changes recommended by the Urban Renewal Agency board of Commissioners at January 13, 1999 Worksession, except that commercial space square foot ranges remain in the plan.
  2. Revise Tear sheet figure 4-5 to require any development to conform to the City's Memorandum of Agreement with the Texas State Historic Preservation Officer and the Advisory Council on Historic Preservation or any amendment to it, to increase the total FAR to 1.0, and increase the building height to 60 foot maximum (net).
  3. Revise all references to "FAR Proposed" to "Maximum FAR."
  4. Modify section 4.8 (4.6 after the revision) as follows:
    - A. Terminate the Urban Renewal Plan on December 31, 2018, as well as the Project Controls.
    - B. Authorize the Urban Renewal Agency Board of Commissioners the right to grant variances, with a finding of fact from the Urban Renewal Agency and appeal to the City Council.
    - C. Allow the Austin Revitalization Authority Board of Directors time to review and recommend action to the Urban Renewal Agency on all variance requests.
    - D. Allow variances for:
      1. specific, limited variances of Project Controls.
      2. small developments in a Project Location where the size of the development prevents compliance with minimum Project Controls.

Councilmember Spelman's motion, Councilmember Lewis' second, 7-0 vote.

11. Approve a resolution endorsing the Central East Austin Master Plan (CEAMP) concept that complements the East 11<sup>th</sup> and 12<sup>th</sup> Streets Urban Renewal Area. (No fiscal impact associated with adoption of this plan.)  
Resolution No. 990114-11 approved on Councilmember Garcia's motion, Councilmember Spelman's second, 7-0 vote.

Recessed for Executive Session on Item 12 from 3:45 p.m. to 4:30 p.m. on Councilmember Slusher's motion, Councilmember Spelman's second, 7-0 vote.

12. Approve an ordinance authorizing issuance by Senna Hills Municipal Utility District of Unlimited Tax and Revenue Bond Series 1999, an amount not to exceed \$2,985,000; approving a substantial

draft of the Bond Order and Preliminary Official Statement. (No fiscal impact. The City is not obligated for payment on District Bonds unless District is annexed and dissolved.) [Recommended by Water and Wastewater Commission]

Ordinance No. 990114-H approved on Councilmember Garcia's motion, Councilmember Lewis' second, 6-0 vote. Councilmember Spelman off dais.

### Development Review

13. Consider an ordinance relating to development regulations applicable to land in the Lake Austin watershed and within the Senna Hills Municipal Utility District, abutting and north of RM 2244 (Bee Caves Road).

Ordinance No. 990114-I approved with amendment to paragraph 2. Section (B) becomes (C) and the new (B) reads: Notwithstanding the provisions of subpart (A), development pursuant to this ordinance must comply with city regulations and requirements governing water quality controls in effect on January 14, 1999.

Councilmember Slusher's motion, Councilmember Lewis' second, 7-0 vote.

### Financial Services

14. Approve a resolution authorizing execution of two twelve month contracts with FECHHEIMER, Cincinnati, Ohio for purchase of Police Department, Park and Airport Police uniform trousers, in an amount not to exceed \$98,600, and MILLER UNIFORMS AND EMBLEMS, INC., Austin, Texas for purchase of police uniform shirts in an amount not to exceed \$97,168.70 with two twelve month extension options in an amount not to exceed \$98,600 and \$97,168.70 respectively for each option period for total contract amount not to exceed \$295,800 and \$291,506.10 respectively. (Funding in the amount of \$135,917 was included in the 1998-99 Operating Budget for the Austin Police Department. Funding in the amount of \$5,919 was included in the 1998-99 Operating Budget for the Parks and Recreation Department, and \$4,992 was included in the 1998-99 Operating Budget of the Aviation Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets). Low bid of four. No M/WBE Subcontracting opportunities were identified.

Resolution No. 990114-14 approved.

15. Amend Ordinance No. 980915-A, the 1998-99 Operating Budget, amending the General Funding by:
- Increasing budget revenue to recognize annexation related revenue of \$1,145,822 from the following sources: Property Tax (\$614,635), Sales Tax (\$6,097), Gross Receipts/Franchise Fees (\$6,791), MUD Cash Balances (\$513,167), and Interest Income (\$5,132);
  - Increasing budgeted expenditures by \$487,398 and Full-Time Equivalents (FTEs) as follows: Development Review and Inspection (DRID) (\$5,000), Police (\$179,127), Fire (\$125,740) and increasing sworn FTEs by 8.0 from 912 to 920, Public Works and Transportation (\$14,531), Parks and Recreation (\$13,000);
  - Increasing budgeted transfers by \$150,000 as follows: Capital Improvement Programs (CIP) (\$150,000);
  - Increase the unreserved ending balance by \$658,424 for a total of \$658,424.

Amend Ordinance No 98015-A, the 1998-99 Operating Budget, amending the General Obligation Debt Service Fund, increasing budgeted revenue to recognize annexation related revenue for debt service associated with the drainage portion of bonded indebtedness from the Harris Branch area by \$75,792, and increasing debt services requirements by \$75, 792. Amend Ordinance No. 980915-B, the 1998-99 Capital Budget of the Parks and Recreation Department by increasing transfers in from the General Fund, appropriating \$150,000 and creating a new project know as "Harris Branch Park Facilities". (Funding in the amount of \$1,145,822 from annexation revenue).

**Ordinance No. 990114-A approved.**

### Fire

16. Amend Ordinance No 980914-C by revising the classifications for City of Austin firefighters to reflect the civil service staff changes due to annexations; adding three Lieutenants, three Fire Specialists and two firefighters, increasing the total number of authorized positions from 912 to 920. (Funding in the amount of \$125,740 from annexation revenues).

**Ordinance No. 990114-B approved.**

### Police

17. Approve a resolution authorizing the submittal of a grant application for \$225,000 to the U.S. Department of Justice, Office of Community Policing Services (COPS), Universal Hiring Program, for three new police officers, to be added to provide police services to the Harris Branch annexed area. [Funding in the amount of \$225,000 is available from the U.S. Department of Justice, Office of Community Policing Services (COPS), Universal Hiring Program, for the grant period March 1, 1999 – February 28, 2002. A cash match of \$93,159 will be required over the three year period and will be included in future operating budgets for the Austin Police Department.]

**Resolution No. 990114-17 approved.**

18. Approve a resolution authorizing execution of a contract with ESSEX COMPUTERS, INC., Houston, Texas for the purchase of 138 Panasonic semi-ruggedized laptops for the Austin Police Department in the amount of \$234,217.74. (Funding in the amount of \$152,750.70 is included in the 1997 Local Law Enforcement Block Grant Program. Funding in the amount of \$81,467.04 is included in the Advanced Community Policing Grant Program. There is no unanticipated fiscal impact.) Low bid of 18. No M/WBE subcontracting opportunities were identified.

**Resolution No. 990114-18 approved.**

### Water and Wastewater

19. Report on proposed changes to the Water & Wastewater Impact Fee Land Use Assumption and Capital Improvements Plan (CIP) to include the Balfour Tract and the adjacent Commons Ford Park within the Impact Fee Service Area boundary; Set a public hearing on proposed changes to the Water & Wastewater Impact Fee Land Use Assumption and Capital Improvements Plan (CIP) to include the Balfour Tract and the adjacent Commons Ford Park within the Impact Fee Service Area boundary. (Suggested date and time: February 24, 1999 at 6:00 p.m.)

**Resolution No. 990114-19 approved.**

20. Amend Ordinance No 980915-A, the 1998-99 Operating Budget of the Water and Wastewater Utility, by increasing the budget revenue by \$283,905, increasing the budgeted requirements by \$429,604, and decreasing the budgeted ending balance by \$145,699 to reflect the net fiscal impact of the Austin Municipal Utility Districts 1, 2, and 3 (Harris Branch) annexation. (Net increase in operating revenues totaling \$283,905 and the application of ending balance totaling \$145,699). (Recommended by Water and Wastewater Commission)  
**Ordinance No. 990114-C approved.**

**Items 14 through 20 approved on Councilmember Lewis' motion, Councilmember Garcia's second, 7-0 vote.**

21. Approve a resolution authorizing negotiation and execution of an interlocal agreement with the City of Rollingwood for the provision of wholesale wastewater service. (The Utility will collect approximately \$354,150 in Capital Recovery Fees and \$200,000 in contribution for reclamation project. These funds have not been budgeted.) (Recommended by Water and Wastewater Commission)  
**Resolution No. 990114-21 approved on Councilmember Slusher's motion, Councilmember Garcia's second, 7-0 vote.**
22. Approve a resolution authorizing negotiation and execution of an amendment to the professional services agreement with MALCOLM-PIRNIE, INC., Austin, Texas for construction phase engineering services in conjunction with the construction and installation of odor control units at four sites along the Govalle Tunnel for the Govalle Tunnel Odor/Corrosion Control Improvement Project, in the amount of \$200,859, for a total amount not to exceed \$1,885,153.05. (Funding is available in the 1998-99 Capital Budget of the Water and Wastewater Utility). 35.65% MBE; 0% WBE; Subconsultant Participation. (Recommended by Water and Wastewater Commission)  
**Resolution No. 990114-22 approved.**
23. Approve a resolution authorizing execution of a construction contract with RYAN-0-EXCAVATING, INC., Austin, Texas, for pavement and water and wastewater improvements to the alley at East 6<sup>th</sup> Street between Trinity Street and Neches Street, in the amount of \$142,695. (Funding in the amount of \$54,590 is available in the 1998-99 Approved Capital Budget of Department of Public Works and Transportation; \$88,105 is available in the 1998-99 Amended Capital Budget of Water and Wastewater Utility.) Low bid of four meeting specifications. 23.8% MBE; 34.5% WBE Subcontractor Participation. (Recommended by Water and Wastewater Commission).  
**Resolution No. 990114-23 approved.**

**Items 22 and 23 approved on Councilmember Lewis' motion, Councilmember Garcia's second, 7-0 vote.**

#### **Health and Human Services**

24. Approve a resolution authorizing the Health and Human Services Department to apply for and accept the continuation of funding for year four of the East Austin Youth Charter Title V Grant in the amount of \$100,000; and authorize one twelve month renewal option, with the Office of the Governor, in the amount of \$100,000 for year five of the grant. Funding for year four of the grant will be June 1, 1999 through May 31, 2000. Funding for year five of the grant will be from June 1, 2000 through May 31, 2001. (Funding is available from the Office of the Governor, Criminal Justice Division's, Juvenile

Justice Delinquency Prevention. This grant was included in the 1998-99 Operating Budget for the Health and Human Services Department. The fifth year of the grant will be included in the 1999-2000 budget if the funding is approved by the granting agency. A City match will be provided through in-kind services).

Resolution No. 990114-24 approved on Councilmember Lewis' motion, Councilmember Garcia's second, 4-0 vote. Mayor Watson, Councilmembers Griffith and Slusher off dais.

### Parks and Recreation

25. Approve a resolution authorizing execution of a construction contract with JESCO CONSTRUCTION CO., Austin, Texas for the construction of a roof over the Alamo Park Basketball Courts, located at 2100 Alamo St., in the amount of \$72,420. (Funding was included in the 1997-98 Amended Capital Budget of the Parks and Recreation Department.) Low bid of four. 29.41% MBE, 20.23% WBE Subcontractor participation.

Resolution No. 990114-25 approved.

### Telecommunications and Regulatory Affairs

26. Approve third reading of an ordinance authorizing a license agreement with GTE GLOBAL NETWORKS, INC. for placement of underground fiber optic cable in designated area of the City. (\$740 in Unanticipated Franchise Fee Revenue for 1998-99). [Recommended by Telecommunications Commission and Council Committee for Telecommunications Infrastructure.]

Ordinance No. 990114-D approved.

Items 25 and 26 approved on Councilmember Lewis' motion, Councilmember Garcia's second, 7-0 vote.

### Public Works

27. Approve a resolution to approve execution of a construction contract with CHEROKEE CONSTRUCTION, INC., (MBE/MN), Austin, Texas, for reconstruction, overlay, and utility adjustments on South First Street (Orland Boulevard to Stassney Lane) for the South First Street Reconstruction, Overlay, and Utility Adjustments Project, in the amount of \$620,238.35, plus \$61,624 to be used as a contingency fund, for a total amount not to exceed \$681,862.35. (Funding in the amount of \$598,432.35 is included in the 1998-99 Capital Budget of the Department of Public Works and Transportation and \$83,430 is included in the 1998-99 Capital Budget of the Water and Wastewater Utility). Low bid of three. 39.45 % Prime MBE participation; 47.27% WBE; 0% MBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Resolution No. 990114-27 approved on Councilmember Slusher's motion, Mayor Pro Tem Goodman's second, 6-0 vote. Councilmember Garcia off dais.

28. Amend Ordinance No. 980915-B, the 1998-99 Capital Budget of the Public Works and Transportation Department by increasing the appropriation for the 15<sup>th</sup> Street-IH 35/Lamar Austin Transportation Study project by \$190,000. (Funding is available in the Urban Streets Program approved by the Austin Transportation Study (ATS). [Recommended by Planning Commission] (Related to Item 29)
- Ordinance No. 990114-E approved.

29. Approve a resolution authorizing execution of an Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) to utilize the Urban Streets Program to construct the 15<sup>th</sup> Street Reconstruction, Overlay, and Utility Adjustments Project, in the amount of \$1,191,250. (Funding in the amount of is available in the Fiscal Year 1998-99 Amended Capital Budget of the Department of Public Works and Transportation). (Related to Item 28)  
**Resolution No. 990114-29 approved.**
30. Approve an ordinance authorizing right-of-way vacation of an alley and a portion of an alley at the 300 block of West Oltorf Street Alley as requested by Nicolette Ilai And Rani Ilai (Funding in the amount of \$4,907 in revenue will be receipted to the General Fund. This General Fund revenue was not anticipated in the 1998-99 Operating Budget). [Recommended by Urban Transportation Commission and Planning Commission)  
**Ordinance No. 990114-F approved.**
31. Approve a resolution authorizing negotiation and execution of an amendment to the structural rotation list agreement with PICKETT-KELM AND ASSOCIATES, Austin, Texas, for structural engineering services for the South First Street Extension Project (Slaughter Lane to FM 1626), in the amount of \$148,540 for a total agreement amount not to exceed \$548,540). [Funding in the amount of \$148,540 is included in the 1997-98 Amended Capital Budget of the Department of Public Works and Transportation]. 5.77% MBE; 0% WBE; Subcontractor participation.  
**Resolution No. 990114-31 approved.**
32. Approve a resolution authorizing negotiation and execution of professional services agreements with the following six firms. LAURIE SMITH DESIGN ASSOCIATES (WBE/FR), Austin, Texas; BETHANY RAMEY ARCHITECT (WBE/FR), Austin, Texas, THE BOMMARITO GROUP (WBE/FR), Austin, Texas; J. ROBINSON & ASSOCIATES, Austin, Texas; MADISON R. GRAHAM & ASSOCIATES, ARCHITECTURE, Austin, Texas; CASABELLA ARCHITECTS (MBE/MH), Austin, Texas; to provide professional consultant services for space planning for miscellaneous projects, for a period of approximately two years, each agreement in an amount not to exceed \$900,000 with a total amount of the six agreements not to exceed \$900,000 (estimated approximately \$150,000 per firm). (Funding for these services is available in the Operating and/or Capital Budgets of various departments for which the services will be provided.) Best qualification statements of 13. Laurie Smith Design: WBE Prime Participation 73.2%; 8.6% MBE; 18.2 WBE Subcontractor Participation; Bethany Ramey Architect: WBE Prime Participation 75%; 12% MBE; 0% WBE Subcontractor Participation; The Bommarito Group: WBE Prime Participation; 76.4%, 15% MBE; 8.6% WBE Subcontractor Participation; J. Robinson & Associates: 8.6% MBE; 25.5% WBE Subcontractor Participation; Madison Graham & Associates: 8.6% MBE; 18.2% WBE Subcontractor Participation; Casabella Architects: MBE Prime Participation 66%; 13% MBE; 21% WBE Subcontractor Participation.  
**Resolution No. 990114-32 approved.**
33. Approve a resolution to approve execution of a construction contract with AUSTIN BRIDGE & ROAD, INC., Austin, Texas, for street and utility improvements on Glade Line Drive, Royal Crest Drive, Willow Creek Drive and Woodland Avenue, for the Street Reconstruction, Overlay, and Utility Adjustments Group 2 Project, in the amount of \$2,494,861.86, plus \$122,790 as a contingency fund, for a total amount not to exceed \$2,617,651.86. (Funding in the amount of \$2,152,020.01 is included in the 1998-99 Amended Capital Budget of the Department of Public Works and Transportation; \$16,

065 is included in the 1998-99 Amended Capital Budget of the Wastewater Utility; \$426,590.80 is included in the 1998-99 Amended Capital Budget of the Water Utility; \$22,976.05 is included in the 1998-99 Approved Operating Budget of the Watershed Management Department.) Low bid of three. 28.51% MBE; 3.62% WBE. Subcontractor Participation. (Recommended by Water and Wastewater Commission.)

**Resolution No. 990114-33 approved.**

34. Approve a resolution authorizing execution of a two year construction service contract with CYPRESS CONSTRUCTION, CO., Johnson, City, Texas for construction of sidewalks and curb ramps at various locations throughout the city, in an amount not to exceed \$322,085. (Funding is included in the 1998-99 Amended Capital Budget of the Department of Public Works and Transportation. The contract provides for an expected two year duration with approximately \$160,000 to be spent each fiscal year.) Low bid of 4. 24% MBE; 8.5% WBE. Subcontractor Participation.

**Resolution No. 990114-34 approved.**

### **Watershed Protection**

35. Approve a resolution authorizing fee simple acquisition of Lot 25, Block B, Creek Bend Section 1, locally known as 4801 Creek Bend Drive, Austin, Texas, from JAMES AND LAVERD JENSEN for the Second Phase of the Creek Bend Flood Control Project, in the amount of \$54,000. (Funding is included in the 1998-99 Amended Capital for Watershed Protection).

**Resolution No. 990114-35 approved.**

**Items 28 through 35 approved on Councilmember Lewis' motion, Councilmember Garcia's second, 7-0 vote.**

36. Approve a resolution authorizing issuance by Wells Branch Municipal Utility District of Unlimited Tax Bonds, Series 1999, in an amount not to exceed \$1,400,000; approve a substantial draft of the District Bond Resolution. (The City is not obligated for payment on District Bonds unless it annexes and dissolves the District.) [Recommended by Water and Wastewater Commission]

**Ordinance No. 990114-K approved on Councilmember Slusher's motion, Councilmember Garcia's second, 7-0 vote.**

### **Development Review**

37. C14-98-0107 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 6109 W. William Cannon, from "LR", Neighborhood Commercial to "GR-CO", Community Commercial-Conditional Overlay District zoning with conditions. First reading on January 7, 1999; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: Benchmark Land Development (David C. Mahn), Agent: GSG, Inc. (Alan D. Rhames). City Staff: Joe Arriaga, 499-2308.

**Ordinance No. 990114-J approved on Councilmember Slusher's motion, Councilmember Garcia's second, 7-0 vote.**

38. Approve an ordinance amending Ordinance No. 980716-F by extending the prohibition on the acceptance of applications for permits or the issuance of permits, for the replacement of off-premise non-conforming signs under City Code Section 13-2-854(b)(4) within the City of Austin's planning jurisdiction from January 16, 1999 to February 27, 1999; and declaring an emergency.  
Ordinance No. 990114-L approved on Councilmember Lewis' motion, Councilmember Garcia's second, 7-0 vote.
39. Set a public hearing to consider an ordinance amending Chapter 13-2 of the City Code to amend Article VII: Sign Regulations, as it relates to off-premise non-conforming signs (Billboards). (Suggested date and time: February 11, 1999, at 6:00 p.m.)  
Resolution No. 990114-39 approved.

#### ITEMS FROM COUNCIL

40. Approve the appointment of Councilmember William Spelman to the City Council Land Development Code Subcommittee. (Mayor Kirk Watson, and Councilmembers Jackie Goodman and Daryl Slusher)  
Resolution No. 990114-40 approved.
41. Direct the City Manager to initiate a zoning change for property located at 1704-1710 Lovingwood Drive, from "LO-CO Limited Office District-conditional Overlay Combining District" to "SF-3 Family Residence District. (Councilmember Willie Lewis)  
Resolution No. 990114-41 approved.
42. Approve a resolution of support for the 1999 Texas Housing Summit Proclamation of January 6, 1999, sponsored by the Texas Department of Housing and Community Services. (Mayor Pro Tem Jackie Goodman, Councilmember Daryl Slusher and Mayor Kirk Watson)  
Resolution No. 990114-42 approved.

Items 39 through 42 approved on Councilmember Lewis' motion, Councilmember Garcia's second, 7-0 vote.

#### 4:30 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

43. C14-98-0155 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 11877-11879 Research Blvd. from "LO", Limited Commercial to "GR", Community Commercial. Planning Commission Recommendation: To Grant "LO-CO", Limited Office-Conditional Overlay District zoning with conditions. Applicant: City of Austin; Agent: Development Review and Inspection Department. Property Owners: Ruth Brunk, Dicotec Inc. and James Mattox; City Staff: David Wahlgren, 499-6455. Note: A valid petition has been filed in opposition to this rezoning request. (Continued from 12/10/98 and 1/7/99)  
Closed public hearing on Councilmember Griffith's motion, Councilmember Garcia's second, 6-0 vote. Mayor Watson off dais.

Reopened the public hearing on Councilmember Garcia's motion, Councilmember Slusher's second, 6-0 vote. Mayor Watson off dais.

Closed public hearing on Councilmember Garcia's motion, Councilmember Griffith's second, 6-0 vote. Mayor Watson off dais.

Motion to approve staff recommendation on Councilmember Spelman's motion, Mayor Watson's second, 4-2-1 vote. Mayor Pro Tem Goodman and Councilmember Griffith votes "NO", Councilmember Garcia abstained. Motion failed because there was a requirement of 6 valid votes due to petition.

Approved Planning Commission's recommendation on first reading on Councilmember Garcia's motion, Councilmember Griffith's second, 7-0 vote.

44. C14-85-149 – Public hearing to amend Chapter 13-2 of the Austin City Code by amending a restrictive covenant for property locally known as Walnut Park Crossing and Park Circle. Planning Commission Recommendation: To Grant the amendment to the restrictive covenant with conditions. Applicant: Transcontinental Limestone Canyon, Inc.; Agent: Richard T. Suttle, Jr. City Staff: Don Perryman, 499-2786.

**Approved Planning Commission's recommendation on first reading.**

45. C14-98-0165 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 7000 to 7009 East Ben White Blvd. from "SF-2", Single Family Residence (standard lot) and "SF-3", Family Residence to "CS-CO", General Commercial Services. Planning Commission Recommendation: To Grant "CS-CO", General Commercial Services-Conditional Overlay District zoning, with conditions. Applicant: Southeast Austin Associates; Agent: Richard Mathias. City Staff: Susan Villarreal, 499-6319.

**Approved Planning Commission's recommendation on first reading.**

46. C14-98-0190 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 1218-1300 East Live Oak Drive from "LO", Limited Office and "GO", General Office to "SF-4A", Single Family Residence (Small Lot). Planning Commission Recommendation: To Grant "SF-4A", Single Family Residence (Small Lot). Applicant: B-Jet Construction Co., Inc. (Bill Taute); Agent: CFX, Inc. (J. Carroll Faulkner). City Staff: Susan Villarreal, 499-6319.

**Approved Planning Commission's recommendation on first reading.**

47. C14-98-0212 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 1120 West Howard Lane from "GR-CO", Community Commercial-Conditional Overlay, "CS-CO", General Commercial Services-Conditional Overlay and "I-RR", Interim-Rural Residence District to "CS", General Commercial Services. Planning Commission Recommendation: To Grant "GR-CO", Community Commercial-Conditional Overlay District zoning and "CS-CO", General Commercial Services-Conditional Overlay District zoning, with conditions. Applicant: LH Layne Company (Len Layne). City Staff: David Wahlgren, 499-6455.

**Approved Planning Commission's recommendation on first reading.**

Items 44 through 47 approved on Councilmember Garcia's motion, Councilmember Spelman's second, 7-0 vote.

## PUBLIC HEARINGS

48. 5:30 P.M. - Public hearing on a request from Ms. Patricia Jennings regarding the proposed relocation of the Up-To-Me, Inc. transitional treatment facility from its present location at 6222 North Lamar Blvd. to 2915 Webberville Road.  
**Approved motion to suspend Council's rules and allow thirty minutes including rebuttal for each side on Councilmember Garcia's motion, Councilmember Slusher's second, 6-0 vote. Councilmember Lewis off dais.**  
  
**Closed public hearing on Councilmember Spelman's motion, Mayor Pro Tem Goodman's second, 5-0 vote. Councilmembers Garcia and Lewis off dais.**
49. 6:30 p.m. - Public hearing on a variance request to allow installation of a fence located at 12605 River Bend Road in the 25-year flood plain.  
**Withdrawn and pulled from the agenda.**

## ACTION ON PUBLIC HEARINGS

50. Consider whether the proposed relocation of the Up-To-Me, Inc. transitional treatment facility from its present location at 6222 North Lamar Blvd. to 2915 Webberville Road qualifies for an exemption from approval by the City Council under Section 244.006(3) of the Texas Local Government Code.  
**Approved that Up-To-Me does not qualify for the exemption on Councilmember Spelman's motion, Councilmember Slusher's second, 5-0 vote. Councilmembers Garcia and Lewis off dais.**
51. Consider approval or denial of the proposed relocation of the Up-To-Me, Inc. transitional treatment facility from its present location at 6222 North Lamar Blvd. to 2915 Webberville Road in the event that the City Council determines that the proposed relocation does not qualify for an exemption from approval by the City Council under Section 244.006(3) of the Texas Local Government Code.  
**Deny approval of relocation on Councilmember Spelman's motion, Councilmember Slusher's second, 5-0 vote. Councilmembers Garcia and Lewis off dais.**
52. Deny a variance request to allow installation of a fence located at 12605 River Bend Road Road in the 25-year flood plain.  
**Withdrawn and pulled from the agenda.**

## EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session held 12:21 p.m. – 1:55 p.m.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

#### Private Consultation with Attorney – Section 551.071

53. Discuss legal issues in Daniel and Amelia Grivas, et al. v. Travis County, et al., Cause No. 98-13226, 250<sup>th</sup> District Court of Travis County.
54. Discuss Mary Elizabeth Humphrey, et al. v. City of Austin and Travis County, Cause No. A-95-CA-053 ADA, United States District Court for the Western District of Texas.
55. Discuss FM Properties Operating Co. v. City of Austin, Cause No. 98-0685, in the Supreme Court of Texas.

#### Real Estate – Section 551.072

56. Discuss potential acquisition of land for water quality protection for Proposition 2.
57. Discuss negotiations concerning the acquisition and leasing of property in the vicinity of the City Hall Annex.
58. Discuss negotiations for the sale of property at the Robert Mueller Municipal Airport to the State of Texas.

#### 59. APPOINTMENTS

Animal Advisory Commission – **Barbara Martin**

Bond Oversight Committee – **Suzana Almanza, Maggie Armstrong, Eloy Barrera, Rosemary Castleberry, Dr. Floyd Davis, Clifton Griffin, Jim Haley, Ray Mendiola, Dr. Susan Wan-Dolling, Donald Money, Chip Wolfe,**

City of Austin Commission for Women – **Marianne Dwight**

Human Rights Commission – **Dr. Michael Supancic**

Telecommunications Commission – **Jose Chavez**

Resolution No. 990114-59 approved on Councilmember Lewis' motion, Councilmember Garcia's second, 7-0 vote.

ADJOURN – 8:00 p.m. on Councilmember Griffith's motion, Councilmember Spelman's second, 5-0 vote. Councilmembers Garcia and Lewis off dais.

Approved on this the 21<sup>st</sup> day of January, 1999 on Councilmember Garcia's motion, Councilmember Lewis' second, 5-0 vote, Councilmembers Spelman and Griffith off the dais.